

REMARKS

Requested Amendments

Claims 3, 5-8, 11 and 14 were under examination. In the Supplemental Amendment of September 23, 2005, claims 3, 5, 6, 8, and 11 were amended, and claims 1, 2, 4, 9, 10, 12, 13, 15, and 16 were canceled.

By the foregoing amendments, claim 11 has been amended; claims 3 and 5 have been cancelled. Claim 7 was previously partially withdrawn from further consideration as directed to non-elected species.

In a telephone conversation with the Examiner on October 13, 2005, the Examiner indicated that the foregoing amendment would place the application in condition for allowance. The aforementioned amendments have been made at the Examiner's request.

Double Patenting

Claims 6-8, 11 and 14 stand rejected under the doctrine of obviousness type double patenting over claims 6, 7, 10-11 and 14 of Biesecker et al. U.S. Patent No. 5,683,867 in view of Lerner et al., WO 98/03632 and Toole et al., WO 92/14843. Enclosed herewith is terminal disclaimer over U.S. Patent No. 5,683,867.

Declaration under 37 C.F.R. § 1.132

Enclosed herewith is an executed copy of Declaration under 37 C.F.R. § 1.132 which provides that to the extent the subject application was disclosed in the prior application, it was not the invention of the inventors named in that prior application, but is instead the invention of the inventors of the subject application, and is therefore not an invention "by another" as provided in Section 102(e).

Closing Remarks

Applicants reserve the right to pursue cancelled subject matter in a continuing application. It is believed that the subject application is now in condition for allowance and notification of same is respectfully requested. If the Examiner believes that a phone conference would expedite prosecution, she is invited to phone the undersigned.

The required fee for a Terminal Disclaimer is included with this submission. It is believed that not other fees are due with this submission; however, the undersigned hereby authorizes any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

Date October 28, 2005

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